

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

JOHN DOE, CHARLES COE,
JANE ROE, and DEBORAH A.
TAYLOR AS GUARDIAN OF SCOTT
STEPHEN JOHNSTONE,
Individually and on behalf of themselves
and all others similarly situated

Plaintiff,

v.

Case No. 1:18-CV-01039-JD

JEFFREY A. MEYERS,
Commissioner of the New Hampshire
Department of Health and Human Services

Defendant

and

SOUTHERN NEW HAMPSHIRE
MEDICAL CENTER

CONCORD HOSPITAL,

ST. JOSEPH'S HOSPITAL, AND

MEMORIAL HOSPITAL

Defendants

and

DAVID D. KING, Administrative Judge of
the New Hampshire Circuit Court, in
his official capacity,

Necessary Third-Party Pursuant
To Rule 19(a)

MOTION TO DISMISS

NOW COMES the Honorable David D. King (“Judge King”), by and through his counsel, the Office of the Attorney General, and moves to dismiss the amended complaint as it relates to Judge King. In support thereof, Judge King states as follows:

1. On November 10, 2018, the original plaintiff filed suit related to involuntary admissions procedures and included the N.H. Circuit Court as a so-called “Necessary Third-Party.”
2. After several extensions, the Court gave the plaintiff (now plaintiffs) until July 19, 2019, to either file an amended complaint or object to the motion to dismiss filed by the N.H. Circuit Court.
3. The plaintiffs filed an amended complaint containing new claims against certain hospital defendants but also changed the identity of the allegedly “necessary party” from the N.H. Circuit Court to the Honorable David D. King as Administrative Judge of the N.H. Circuit Court.
4. For the reasons stated in the accompanying *Memorandum of Law in Support of the Motion to Dismiss*, dated July 31, 2019, which is incorporated herein by reference, the plaintiffs’ complaint should be dismissed with respect to Judge King for failing to state any claim and because immunity precludes suit against him.

WHEREFORE, Judge David D. King respectfully requests that this Honorable Court:

- A. Dismiss the complaint with respect to Judge David D. King; and
- B. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

HON. DAVID D. KING

By his attorney,

GORDON J. MACDONALD
Attorney General

Date: July 31, 2019

/s/ K. Allen Brooks
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CERTIFICATE OF SERVICE

Date: July 31, 2019

I hereby certify that a copy of the foregoing was electronically served this day through the Court's ECF system on all counsel of record.

/s/ K. Allen Brooks
Kelvin Allen Brooks